

## ABSTRACT

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### **PROTECTION OF THE SUBJECT OF PORTRAIT'S RIGHT UNDER COPYRIGHT LAW NOMOR 28 OF 2014**

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Photography and Portrait are both protected under Article 40 Copyright Law Number 28 of 2014. As a personal and unique copyrighted work, Portrait comes with Exclusive Rights that can be categorized as the Economic Rights and Moral Rights. Besides, Portrait is also classified as a confidential information that shows someone's personal identity, as the subject of the Portrait is the human himself. A misuse of Portrait can create a bad reputation for its subject and thus involve his privacy right which is protected as personal data and Electronic Information stipulated in Law Number 19 of 2016 of Amendments to Law Number 11 of 2008 concerning Electronic Information and Transaction. This thesis includes a comparison of the regulations regarding protection of a Portrait work in Indonesia and Germany, namely Act on Copyright and Related Rights (*Urheberrechtsgesetz/ UrhG*) and Protecting Personality Right for Works of Fine Arts and Photography (*KunstUrhG/ KUG*). In analysing the protection of subject of portrait's Moral Rights in Law Number 28 of 2014, the method used in this thesis is empirical-normative. The data collection method using data from the literature study, analytical methods in the form of descriptive-qualitative analysis of data from existing library research. This thesis evaluates the inconsistencies and shortcomings of Law Nomor 28 of 2014 in providing protection of Portrait Work and its subject in Indonesia. Therefore, this research aims to provide input on regulatory changes of copyright protection in the future.

Keywords: Copyright, Privacy Rights, Moral Rights, Photography and Portraits, German Copyright Act